

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Irwin Berkowitz, derivatively on behalf of
nominal defendant Affymetrix, Inc.,

NO. C 06-05353 JW

Related Case No. C 06-5634 JW

Plaintiff,

v.

**ORDER VACATING HEARING ON
MOTIONS TO CONSOLIDATE CASES
AND TO APPOINT LEAD PLAINTIFF
AND LEAD COUNSEL**

Stephen P.A. Fodor, et al.,

Defendants,

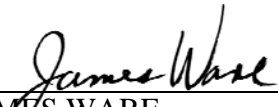
and

Affymetrix, Inc.,

Nominal Defendant.

The Court deems the motions to consolidate cases and to appoint lead plaintiff and lead counsel appropriate for submission on the papers. See Civ. L.R. 7-1(b). Accordingly, the hearing on November 20, 2006 is vacated. The parties shall still appear for the case management conference scheduled on that day.

Dated: November 15, 2006


JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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6 **Dated: November 15, 2006**

Richard W. Wieking, Clerk

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8 **By: /s/ JW Chambers**

Elizabeth Garcia

Courtroom Deputy

United States District Court

For the Northern District of California

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